

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS (WORCESTER)

IN RE:

Altagracia Paulino,
Debtor

The Bank of New York Mellon fka The Bank of
New York, as Trustee for the Certificateholders
CWABS Inc., Asset-Backed Certificates, Series
2006-11,

VS.

Altagracia Paulino

CHAPTER 7
CASE NO. 22-40317-EDK

MOTION FOR RELIEF FROM STAY

To the Honorable Elizabeth D. Katz:

The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificateholders CWABS Inc., Asset-Backed Certificates, Series 2006-11, your moving party in the within Motion, hereby requests that the Court grant relief from the Automatic Stay imposed by 11 U.S.C. §362 and any applicable Co-debtor Stay imposed by 11 U.S.C. §1301 and respectfully represents:

1. The movant has a mailing address of c/o Select Portfolio Servicing, Inc., P.O. Box 65450 Salt Lake City, UT 84165-0450.
2. The debtor has a mailing address of 5 West Oberlin Street, Worcester, MA 01610.
3. On April 28, 2022, the debtor filed a petition under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Massachusetts.
4. The movant is the holder of a first mortgage on real estate in the original amount of \$240,000.00 given by Altagracia Paulino and Miledy Paulino (non-filing co-mortgagor) to Mortgage Electronic Registration Systems, Inc., as nominee for America's Wholesale Lender on or about May 26, 2006. Said



mortgage is recorded in the Worcester County (Worcester District) Registry of Deeds at Book 39052, Page 296 and covering the premises located at 137 Greenwood Street, Worcester, MA 01607.

5. Said mortgage secures a note given by Altagracia Paulino to America's Wholesale Lender in the original amount of \$240,000.00.

6. There is no other collateral securing the obligation.

7. Said mortgage was subject to the following assignments:

- Mortgage Electronic Registration Systems Inc., as nominee for America's Wholesale Lender to The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2006-11, recorded on August 26, 2011, in Book No. 47759, at Page 353

A copy of the mortgage, note and assignment is annexed hereto and marked as **Exhibit 'A'**.

8. There is no Declaration of Homestead recorded.

9. As of June 13, 2022, approximately \$593,853.48 in principal, interest, late fees and other charges was due with regard to The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders CWABS Inc., Asset-Backed Certificates, Series 2006-11's note and mortgage.

10. According to the debtor's Statement of Intention, the subject property is being retained.

11. There are the following encumbrances on the property:

Name of Creditor	Type of Lien	Amount Owed
Movant	First lien	\$593,853.48
America's Wholesale Lender	Junior Lien	\$60,000.00
Massachusetts Department of Revenue	Tax Lien	\$12,275.13
Total Secured Encumbrances:		\$666,128.61

12. According to the debtor's schedule A, the fair market value of the subject property is \$241,600.00. The liquidation value of the subject property is \$225,502.30, calculated as the fair market value less a

reasonable realtor's fee (6%); deed stamps \$1,101.70 and anticipated costs incurred for a real estate closing of \$500.00.

13. The note and mortgage contractually are in default for the July 1, 2008 payment, and all payments thereafter plus reasonable attorney's fees and costs and other charges incurred by the movant.

14. The movant seeks relief from stay as a secured creditor to enforce its rights under its loan documents and applicable law. In support thereof, the movant states that it is entitled to relief:

- I. Pursuant to 11 U.S.C. §362 (d)(1) for cause on the basis that the debtor is in default on said contractual obligations, the primary purpose of a Chapter 7 proceeding is to liquidate the assets of the debtor, there is no equity and the trustee has no motivation to liquidate the subject property;
- II. Pursuant to 11 U.S.C. §362 (d)(2) on the basis that there is no equity in the subject property and, there being no reorganization in prospect, the property is not necessary for effective reorganization.

WHEREFORE, the movant prays that it, and its successors and/or assigns, be granted relief from the automatic stay for the purpose of: (i) exercising its rights under its agreements with the debtor and under applicable law, including, without limitation, taking possession of the mortgaged premises and/or foreclosing or accepting a deed in lieu of foreclosure of its mortgage on said premises; (ii) preserving its right to seek any deficiency to the extent permitted by state and federal law, including 11 U.S.C. §524(a); (iii) bringing such actions, including, without limitation, proceedings, as are permissible by law; and (iv) that the Court order such other and further relief as may be just and proper.

Respectfully submitted,
The Bank of New York Mellon fka The Bank of New
York, as Trustee for the Certificateholders CWABS
Inc., Asset-Backed Certificates, Series 2006-11,
By its Attorney
/s/ Joseph Dolben
Joseph Dolben

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Dated: July 28, 2022

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS (WORCESTER)

IN RE:

Altagracia Paulino,
Debtor

Case No. 22-40317-EDK
Chapter 7

CERTIFICATE OF SERVICE

I, Joseph Dolben, state that on July 28, 2022, I electronically filed the foregoing document with the United States Bankruptcy Court for the District of Massachusetts on behalf of The Bank of New York Mellon fka The Bank of New York, as Trustee for the Certificateholders CWABS Inc., Asset-Backed Certificates, Series 2006-11 using the CM/ECF System. I served the foregoing document on the following CM/ECF participants:

Joseph H. Baldiga
Richard King

I certify that I have mailed by first class mail, postage prepaid, the documents electronically filed with the Court on the following non CM/ECF participants:

Altagracia Paulino
137 Greenwood St
Worcester, MA 01607-1517

Altagracia Paulino
5 W Oberlin St
Worcester, MA 01610-1312

Miledy Paulino
a/k/a Miledy Paulino Peralta
137 Greenwood St
Worcester, MA 01607-1517

America's Wholesale Lender
4500 Park Granada
Calabasas, CA 91302-1613

Massachusetts Department of Revenue
PO Box 7021
Boston, MA 02204

Worcester City Hall
455 Main St UNIT 209
Worcester, MA 01608

Respectfully submitted,
The Bank of New York Mellon fka The Bank of New
York, as Trustee for the Certificateholders CWABS
Inc., Asset-Backed Certificates, Series 2006-11,
By its Attorney
/s/ Joseph Dolben
Joseph Dolben
BBO# 673113
Harmon Law Offices, P.C.
PO Box 610389
Newton Highlands, MA 02461
(617)558-0500
mabk@harmonlaw.com

Dated: July 28, 2022